IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1754 OF 2002

Mr. Sachin Rajendra Punimya ..Petitioner.
Prop. M/s. Gift Palace

V/s.

State of Maharashtra & Anr. ..Respondents.

Shri A.L. Patki for the Petitioner.
Shri S.R. Shinde, APP for the Respondent No.1-State.
Shri G.S. Godbole, for respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 12, 2005

PC :-

. Heard counsel for the parties. According to the petitioner, the allegations in the complaint are absured. It is submitted that false documents have been created as the lost cheques of the Petitioner have been mis-used by the complainant and made the basis for instituting the criminal action under section 420 of the I.P.C.. The argument seems to be attractive but on reading the complaint as a whole and in particular paragraph 6, no fault can be found with the order passed by the Magistrate, issuing process against the Petitioner for the offence punishable under section 420 of the I.P.C.. Besides, reliance

has been rightly placed by Shri Godbole, for the complainant on the decision of the Apex Court reported in AIR 1999 Supreme Court -1216 in the case of Rajesh Bajaj vs. State NCT of Delhi, in particular paragraphs 9 and 10 thereof. The Apex Court has consistently observed that it is not necessary to reproduce all the ingredients in the complaint. Even if one or two ingredients are missing, the complaint ought to proceed. In the present case, on reading the complaint as a whole, necessary ingredients have been spelt out. Hence, no interference is warranted. Rejected.

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